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WHAT IS CONVERSION?

Thoma v Tracy Motor Sales, Inc., 369 Mich 434, 438 (1960)

"Conversion is any distinct act of dominion wrongfully exerted over another's personal property in denial of or inconsistent with his rights."

"A conversion may be committed by

- a) intentionally dispossessing another of a chattel,
- b) intentionally destroying or altering a chattel in the actor's possession,
- c) using a chattel in the actor's possession without authority so to use it,
- d) receiving a chattel pursuant to a sale, lease, pledge, gift or other transaction intending to acquire for himself or for another a proprietary interest in it,
- e) misdelivering a chattel, or
- f) refusing to surrender a chattel on demand.

WHO CAN GET DAMAGES FOR CONVERSION?

ANSWER: "A person damaged as a result of conversion (or stealing or embezzling)

WHAT IS THE MEASURE OF DAMAGES?

"3 times the amount of actual damages sustained" ("in addition to any other right or remedy)

This is not the value of the property stolen, although it could be. Damages could be mitigated if the property is returned in good condition.

Example 1. A million dollar diamond is stolen or converted. It is returned two days later unharmed. The damages would be minimal, but would be three times the amount of actual damages sustained by the owner. (It is possible that the damages could be 0.)

Example 2. A million dollar diamond is stolen or converted. It is never recovered. The damages would be the actual damages sustained—three times the value of the diamond and any other damages sustained.

Example 3. The secret formula for Coca Cola is stolen. The thief tries to extort \$1M for its return and threatens to make public the formula. Damages in such a case would not necessarily be limited to the value of the secret formula. Damages would be three times the actual damages sustained. These damages could include lost profits, payment of the extortion, costs of retrieving the formula, etc. These "actual damages" would not necessarily relate to the value of the property converted or stolen, but would be the "actual damages sustained."

"Actual damages sustained" is the correct definition for the measurement of damages. This definition of "actual damages sustained" is not self-limiting to the "value" of the property converted or stolen. Actual damages sustained means actual damages sustained.

"A person damaged as a result of" stealing or a conversion is the correct phrase defining the cause of the damage. The plain meaning is clear. (The use of the phrase "proximate cause" or phrases containing "proximate" to link the conversion to the damage should be avoided. "Proximate" is a negligence concept that has no correlation to this statutory intentional tort.)

Roland Jersevic was the State Representative of the 96th District, 1992-1996. He was the victim of extortion resulting in his losing his attempt to be re-elected in 1996. He is suing the convicted criminals for extortion and conversion, using the present conversion statute. He strongly supports the proposed bill and urges the legislature to continue to use statutory language with plain meanings. This will make it more difficult for Judges to change those meanings at their whim.

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